

17 MAR 2006 # 10

IN THE UNITED STATES RECEIVING OFFICE (US/DO/EO)

Applicants: Jonathan Wesley Arthur, Marc Wilkins and  
Mathew Danger Traini

U.S. Application No.: 10/507,257 ✓

International  
Application No.: PCT/AU03/00300

International  
Filing Date: March 13, 2003

For: ANNOTATION OF GENOME SEQUENCES

Date: March 17, 2006

EXPRESS MAIL LABEL NO. EV 215895439 US

REPLY TO SECOND NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT (DO/EO)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to a second Notification of Defective Response, mailed from the United States Patent and Trademark Office (USPTO) on 23 February 2006. A copy of the Notification is attached.

On 30 January 2006, the USPTO mailed a first Notification of Defective Response. The first Notification referred to an attachment, which was to be a marked up "Raw Sequence Listing" indicating points of noncompliance with the Sequence Listing rules, referring to the Sequence Listing filed by Applicants on 27 April 2005. The attachment was missing from the 30 January 2006 mailing, and could not be found at the USPTO after an inquiry by telephone.

Applicants filed a substitute Sequence Listing on 27 February 2006 to reply to the first Notification of Defective Response (reply due 28 February 2006). The substitute Sequence Listing was filed in both paper and computer readable form, along with a Transmittal of Substitute Sequence Listing and Preliminary Amendment in Reply to Notification of Defective Response, which included the

required statements under 37 C.F.R. §§ 1.825(a), 1.821(c), 1.825(b), 1.821(e), 1.821(f), and 1.821(g) that the submission contained no new matter and that the content of the paper and computer readable forms was the same. The Transmittal of Substitute Sequence Listing and Preliminary Amendment in Reply to Notification of Defective Response also included an amendment to the specification to replace the Sequence Listing previously filed on 27 April 2005 with the substitute Sequence Listing.

The USPTO has mailed a second Notification of Defective Response (mailing date 23 February 2006), this time including an attachment entitled "Raw Sequence Listing Error Report" marked with errors noted by the STIC Biotechnology Systems Branch in the Sequence Listing of 27 April 2005.

Applicants responded to the first Notification of Defective Response on 27 February 2006 before realizing that a second Notification of Defective Response had been mailed from the USPTO. Applicants believe that the substitute Sequence Listing filed on 27 February 2006 is in compliance with the rules, and that the second Notification of Defective Response is now moot in view of Applicants' filing of 27 February 2006.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Carol A. Egner  
Carol A. Egner  
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Concord, MA 01742-9133

Date: *March 17, 2006*

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,257	Jonathan Wesley Arthur	3170.1006-000

INTERNATIONAL APPLICATION NO.	
PCT/AU03/00300	
I.A. FILING DATE	PRIORITY DATE
03/13/2003	03/13/2002

21005  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

CONFIRMATION NO. 6358

371 FORMALITIES LETTER



\*OC000000017938601\*

Date Mailed: 01/30/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 09/10/2004
- Copy of the International Search Report filed on 09/10/2004
- Copy of IPE Report filed on 09/10/2004
- Preliminary Amendments filed on 09/10/2004
- Biochemical Sequence Diskette filed on 04/27/2005
- Oath or Declaration filed on 04/27/2005
- Biochemical Sequence Listing filed on 04/27/2005
- U.S. Basic National Fees filed on 09/10/2004
- Priority Documents filed on 09/10/2004
- Power of Attorney filed on 04/27/2005

Applicant's response filed 04/27/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2005 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and 1.821(e) as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content

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of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,257	PCT/AU03/00300	3170.1006-000

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I.A. FILING DATE

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PRIORITY DATE

03/13/2002

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CONFIRMATION NO. 6358

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